IN THE UNITED STATES PATENT AND TRADEMARTK OFFICE

In re patent application of:) Attorney Docket No.: E-925

Perry A. Pierce) Group Art Unit: 3625

Serial No.: 09/475,912) Examiner: James H. Zurita

Filed: December 30, 1999) Date: June 2, 2003

Confirmation No.: 7042) Customer No.: 00919

Title: **METHOD AND SYSTEM FOR DATA REPOSITORY**

APPELLANT'S BRIEF

Mail Stop Appeal Brief - Patent
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Brief is in furtherance of the Notice of Appeal filed in this case on April 11, 2003.

This Brief is transmitted in triplicate.

TABLE OF CONTENTS

This Brief contains these items under the following headings and in the order set forth below.

I.   REAL PARTY IN INTEREST

Pitney Bowes Inc. is the real party in interest.

II.   RELATED APPEALS AND INTERFERENCES

There are no related Appeals and interferences

III.   STATUS OF CLAIMS

a)   Claims 1, 3 – 7, 9 –17 and 19 - 24 are in the application.

b)   Claims 1, 3 – 7, 9 –17 and 19 - 24 are rejected

d)   Claims 1, 3 – 7, 9 –17 and 19 - 24 are on appeal

IV.   STATUS OF AMENDMENTS

An Amendment subsequent to the Final Rejection of January 13, 2003, was filed

on March 6, 2003. This Amendment was not entered.

V.   SUMMARY OF THE INVENTION

A.   Background

The prior art did not provide for electronically selling a data item that is

stored by a seller in a repository, wherein the fee for downloading the data item is

in a range specified by the seller and defined by a maximum amount posted by

the seller, and a minimum amount that the seller is willing to collect from the

buyer so that the buyer is allowed to download the data item if the buyer's

proposed mon tary sum for downl ading th data item is greater or equal to the minimum amount specified by the seller.

It is well known that a data item such as a song, a piece of music, a document, a legal form, a book, a research report or a picture can be purchased through the Internet. Currently, there are two widely used methods for making such a transaction electronically.

One current method is for the seller to send the data item directly to the buyer via e-mail, wherein the price for buying the data item is negotiated between the two parties and the money is sent to the seller according to a paying method agreed upon. The major shortcoming of this method is that the seller must know the buyer or have faith in the buyer, hoping that the buyer will eventually pay for the data item. Furthermore, when the data item is sold to a large number of buyers, the seller must set up a system to keep track of which buyers have paid and which buyers have not yet paid. Many sellers may not have the temperament, the knowledge or the time to tend to the administrative aspect of doing business.

The other current method is for the seller to upload the data item to an Internet service provider or a Web site operator. The Internet service provider/Web site operator will then notify the buyer via e-mail with a unique universal resource locator (URL) to allow the buyer to download the data item through the URL. Musical works have been purchased in this fashion wherein a buyer can download a song in an MP3 file to the buyer's computer. With this method, however, the buyer must provide a credit card number to be charged for downloading the data item. This is not advantageous to the Internet service provider/Web site operator who provides the transaction service

because credit card and bank fees are typically larger with high volume, low amount transactions.

B.   **Appellant claims a system and method that provides for electronically selling a data item that is stored by a seller in a repository, wherein the fee for downloading the data item is in a range specified by the seller and defined by a maximum amount posted by the seller, and a minimum amount that the seller is willing to collect from the buyer so that the buyer is allowed to download the data item if the buyer's proposed monetary sum for downloading the data item is greater or equal to the minimum amount specified by the seller.**

The present invention provides a method and system for electronically selling a data item such as a song, a literature piece or a picture. A data repository is used for a seller to store the data item that the seller wishes to sell for a fee. The data repository is accessible to a buyer who deposits a fund to the data repository prior to downloading the data item. The data repository is connected to a telecommunication network such as the Internet so that the buyer can download the purchased data item directly through the telecommunication network. The seller posts a price that is the maximum amount the seller wishes to collect, and sets a minimum amount that the seller is willing to collect from the buyer for downloading the data item. The buyer makes an offer to the data repository wherein a software program is used to determine if offered price falls within the fee range as set by the seller.

As shown in Fig. 1, the data repository system **100** includes a plurality of data banks **(21-26)**, a plurality of information banks **(31-36)**, a plurality of electronic vaults **(41-46)**, and a software program **50**. The data repository system **100** allows access by a plurality of users **(11-16)**. Also shown in Figure 1 is an administrative unit **10** that manages the data repository system **100**. It is understood that the data bank **21**, the information bank **31** and the vault **41** are associated with the user **11**, for example. The data bank can be used by the user **11** to store one or more data items that the user **11** wishes to sell electronically for a fee. However, the data bank **21** can also be used for the user **11** to download a data item from other data banks **(22-26)** if the user **11** pays a fee for downloading the data item. Thus, any user can be a seller or a buyer or both. Accordingly, the vault **41** can be used for storing proceeds from selling a data item that are credited to the seller, but it can also be used for depositing a fund so as to allow a buyer to use part or all of the fund to pay for downloading one or more data items.

Preferably, the data repository system **100** is connected to a telecommunication network **120**, such as the Internet, so as to allow the users **(11-16)** to access the data repository system **100** through the telecommunication network **120**. Preferably, a Certification Authority **140** is also connected through the telecommunication network **120** so as to allow the buyer to verify the authenticity of the downloaded data items. Preferably, the Certification Authority **140** is provided by a third party who is independent of the users **(11-16)** and the data repository system **100**.

Preferably, the software program **50** has an encryption function to encrypt a data item prior to said data item being conveyed to the buyer through the telecommunication network **120**. The encryption is used to prevent the conveyed data item being

intercepted by an unauthorized person who may use the data item without paying a fee to the seller.

To download a data item, the buyer must deposit a fund which must be sufficient to pay for downloading the data item. The fund can be a monetary sum deposited to a bank designated by the service provider of the data repository, or a bank account provided by the buyer where money can be withdrawn for paying the data item. The fund can also be in the form of a debit card, a smartcard or a stored-value card.

VI. ISSUES PRESENTED FOR REVIEW

A. Whether or not claims 1, 3, 6, 7, 11, 12, 13 and 15 are patentable under 35 USC §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).

B. Whether or not claims 4 and 5 are patentable under 35 USC §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).

C. Whether or not claim 9 is patentable under 35 USC §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).

D. Whether or not claim 10 is patentable under 35 USC §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).

E. Whether or not claim 16 is patentable under 35 USC §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).

F   Whether or not claims 17, 19, 20, 21 and 22 are patentable under 35 USC §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).

G.   Whether or not claim 23 is patentable under 35 USC §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).

H.   Whether or not claim 24 is patentable under 35 USC §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).

I.   Whether or not the drawings of Figs. 4 -7 submitted by Appellant on July 9, 2002, are acceptable.

VII. GROUPING OF CLAIMS

A.   Claims 1, 3, 6, 7, 11, 12, 13 and 15 stand or fall together with regard to the rejection under 35 U.S.C. §103(a).

B.   Claims 4 and 5 stand or fall together with regard to the rejection under 35 U.S.C. §103(a).

B.   Claim 9 stands or falls with regard to the rejection under 35 U.S.C. §103(a).

D.   Claim 10 stands or falls with regard to the rejection under 35 U.S.C. §103(a).

E.   Claim 16 stands or falls with regard to the rejection under 35 U.S.C. §103(a).

F. Claims 17, 19, 20, 21 and 22 stand or fall together with regard to the rejection under 35 U.S.C. §103(a).

G.   Claim 23 stands or falls with regard to the rejection under 35 U.S.C. §103(a).

H.   Claim 24 stands or falls with regard to the rejection under 35 U.S.C. §103(a).

VIII. ARGUMENTS

A. **Claims 1, 3, 6, 7, 11, 12, 13 and 15 have been rejected by the Examiner under U.S.C. §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).**

Rosenberg discloses the following in column 11, lines 1-34:

> "The online payment system **100** can be provided with further functionality by permitting the merchant **106** to specify in the header **202** multiple prices/rates (e.g., an individual rate and a corporate rate). The plug-in 178 would present to the buyer **102** on display **123** the option of selecting from an individual rate or a corporate rate. If the corporate rate option were selected, the buyer **102** is provided with the details of various corporate rates that are based on the number of copies of the procured item the corporation desires to distribute within their corporation (e.g. **50, 100**,unlimited). The buyer **102** then selects the desired rate-and the payment process continues in the manner previously discussed. This feature overcomes the dilemma faced by many corporations who obtain an article of interest and then wish to circulate copies throughout the organization. Because of the copyright laws, the corporation needs to obtain the right to make and distribute such copies. The rights can be obtained by signing up with a clearinghouse or contacting the owner of the copyright directly. The instant invention provides a real time capability for corporations to easily obtain rights for the distribution of multiple copies of an item on an item-by-item basis. As an alternative to the actual rates being displayed a pointer can be set forth which allows the buyer access to a rate table or algorithm at the server so that rate information is easily obtained."

Woolston discloses the following in lines 45-57 of column 13:

> "It is also understood that a participant may make an offer on a good below the asking (or offered) price. Such a proposed offer may be stored by the consignment node and used to notify the good owner. The good owner may then accept the counter offer or reject. It is understood that a participant counter-offer may be made subject to an acceptance before date. It is also understood that a participant may establish a "buy at" or "sell at" price/quantity for any good in the market."

Rosenberg or Woolston do not disclose or anticipate the system claimed by Paragraph (vi) of claim 1, and those claims dependent thereon. Rosenberg or Woolston do not disclose or anticipate a system to credit the monetary sum to the seller's account, wherein the fee for downloading the data item has a range specified by the seller and defined by a maximum amount, and a minimum amount wherein the maximum amount is the fee posted by the seller, and a minimum amount is what the seller is willing to collect from the buyer for downloading the data item so that the buyer is allowed to download the data item if the buyer's proposed monetary sum for downloading the data item is greater or equal to the minimum amount specified by the seller.

Rosenberg or Woolston do not disclose or anticipate a system for deducting a monetary sum from the fund and crediting the deducted sum to the seller, wherein the fee for downloading the data item in its entirety has a range specified by the seller and defined by a maximum amount, and a minimum amount wherein the maximum amount is the fee posted by the seller, and a minimum amount is what the seller is willing to collect from the buyer for downloading the data item so that the buyer is allowed to

download the data item if the buyer's proposed monetary sum for downloading the data item is greater or equal to the minimum amount specified by the seller.

Rosenberg gives the buyer the option to select multiple price rates that depend upon whether the buyer is an individual or corporation and the number of copies the buyer is going to purchase; whereas, the fee for downloading the data item claimed by Appellant has a range specified by the seller and defined by a maximum amount and a minimum amount, wherein the maximum amount is the fee posted by the seller, and the minimum amount is what the seller is willing to collect from the buyer for downloading the data items so that the buyer is allowed to download the data item if the buyer's proposed monetary sum for downloading the data item is greater or equal to the minimum amount specified by the seller. Appellant is claiming a system that allows the buyer to negotiate a rate with the seller.

For instance, the seller may say he/she wants $1.00 for the item, and the buyer may propose $.85. If the $.85 is within the seller's range, the item is purchased. However, if the $.85 is not within the seller's range, the item is not purchased.

Rosenberg's rates are fixed, and are based upon a "take it or leave it" concept, and Woolston's system allows for counteroffers.

Neither Rosenberg nor Woolston, taken separately or together, discloses or anticipates the invention claimed by Appellant. They do not automatically check the offered price by the buyer to determine whether the posted offer falls within the range specified by the seller.

Notwithstanding the foregoing, in rejecting a claim under 35 U.S.C. §103, the Examiner is charged with the initial burden for providing a <u>factual basis</u> to support the

obviousness conclusion. *In re Warn r,* 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *in re Lunsford,* 375 F.2d 385, 148 USPQ 721 (CCPA 1966); *in re Freed,* 425 F.2d 785, 165 USPQ 570 (CCPA 1970). The Examiner is also required to explain <u>how</u> and <u>why</u> one having ordinary skill in the art would have been <u>led</u> to modify an applied reference and/or combine applied references to arrive at the claimed invention. *In re Ochiai,* 37 USPQ2d 1127 (Fed. Cir. 1995); **in re Deuel,** *51 F.3d 1552, 34 USPQ 1210 (Fed. Cir. 1995);* **in re Fritch,** 972 F.2d 1260, 23 USPQ 1780 (Fed. Cir. 1992); **Uniroyal, Inc. v. Rudkin-Wiley Corp.,** 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). In establishing the requisite motivation, it has been consistently held that <u>both the suggestion and reasonable expectation of success must stem from the prior art itself, as a whole.</u> *In re Ochiai,* <u>supra</u>; **in re Vaeck,** *947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991);* **in re Fine,** 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); **in re Dow Chemical Co.,** 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988).

B.   **Claims 4 and 5 have been rejected by the Examiner under U.S.C. §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).**

In dependent claim 4, the seller pays a user fee for using the data repository and the user fee is deducted from the fee credited to the seller.

In dependent claim 5, the seller pays a commission for selling the item to the buyer and the commission is deducted from the fee credited to the seller.

In addition to the arguments made in above Section A, the cited references do not disclose or anticipate a user fee or commission that is deducted from the fee credited to the seller.

C.   Claim 9 has been rejected by the Examiner under U.S.C. §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).

In dependent claim 9, the data repository, comprises a software program to automatically check the offered price by the buyer in order to determine whether the posted offer falls within the fee range as specified by the seller.

In addition to the arguments made in above Section A, the cited references do not disclose or anticipate using a software program to automatically check the offered price by the buyer in order to determine whether the posted offer falls within the fee range as specified by the seller.

D.   Claim 10 has been rejected by the Examiner under U.S.C. §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).

In dependent claim 10, the seller uses an identification code to modify the data item and/or the fee.

In addition to the arguments made in above Section A, the cited references do not disclose or anticipate using an identification code to modify the data item and/or the fee.

E.   Claim 16 has be n reject d by the Examiner under U.S.C. §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).

In dependent claim 16, the data item is encrypted prior to the buyer downloading the data item.

In addition to the arguments made in above Section A, the cited references do not disclose or anticipate encrypting the data item prior to the buyer downloading the data item.

F.   Claims 17, 19, 20, 21 and 22 have been rejected by the Examiner under U.S.C. §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).

Rosenberg discloses the following in column 11, lines 1-34:

"The online payment system **100** can be provided with further functionality by permitting the merchant **106** to specify in the header **202** multiple prices/rates (e.g., an individual rate and a corporate rate). The plug-in **178** would present to the buyer **102** on display **123** the option of selecting from an individual rate or a corporate rate. If the corporate rate option were selected, the buyer **102** is provided with the details of various corporate rates that are based on the number of copies of the procured item the corporation desires to distribute within their corporation (e.g. **50, 100**,unlimited). The buyer **102** then selects the desired rate-and the payment process continues in the manner previously discussed. This feature overcomes the dilemma faced by many corporations who obtain an article of interest and then wish to circulate copies throughout the organization. Because of the copyright laws, the corporation needs to obtain the right to make and distribute such copies. The rights can be obtained by signing up with a clearing house or contacting the owner of the copyright directly. The instant invention provides a real time capability for corporations to easily obtain rights for the distribution of multiple copies of an item on an item

by item basis. As an alternative to the actual rates being displayed a pointer can be set forth which allows the buyer access to a rate table or algorithm at the server so that rate information is easily obtained."

Woolston discloses the following in lines 45-57 of column 13:

"It is also understood that a participant may make an offer on a good below the asking (or offered) price. Such a proposed offer may be stored by the consignment node and used to notify the good owner. The good owner may then accept the counter offer or reject. It is understood that a participant counter-offer may be made subject to an acceptance before date. It is also understood that a participant may establish a "buy at" or "sell at" price/quantity for any good in the market."

Rosenberg or Woolston do not disclose or anticipate the method claimed by step e) of claim 17, and those claims dependent thereon. Rosenberg or Woolston do not disclose or anticipate a method to credit the monetary sum to the seller's account, wherein the fee for downloading the data item in its entirety has a range specified by the Seller and defined by a maximum amount, and a minimum amount wherein the maximum amount is the fee posted by the Seller, and a minimum amount is what the Seller is willing to collect from the buyer for downloading the data item so that the buyer is allowed to download the data item if the buyer's proposed monetary sum for downloading the data item is greater or equal to the minimum amount specified by the seller.

Rosenberg or Woolston do not disclose or anticipate a method to credit the monetary sum to the seller's account, wherein the fee for downloading the data item in its entirety has a range specified by the Seller and defined by a maximum amount, and a minimum amount wherein the maximum amount is the fee posted by the Seller, and a minimum amount is what the Seller is willing to collect from the buyer for downloading

the data item so that the buyer is allowed to download the data item if the buyer's proposed monetary sum for downloading the data item is greater or equal to the minimum amount specified by the seller.

Rosenberg gives the buyer the option to select multiple price rates that depend upon whether the buyer is an individual or corporation and the number of copies the buyer is going to purchase; whereas, the fee for downloading the data item claimed by Appellant has a range specified by the seller and defined by a maximum amount and a minimum amount, wherein the maximum amount is the fee posted by the seller, and the minimum amount is what the seller is willing to collect from the buyer for downloading the data items so that the buyer is allowed to download the data item if the buyer's proposed monetary sum for downloading the data item is greater or equal to the minimum amount specified by the seller. Appellant is claiming a system that allows the buyer to negotiate a rate with the seller.

For instance, the seller may say he/she wants $1.00 for the item, and the buyer may propose $.85. If the $.85 is within the seller's range, the item is purchased. However, if the $.85 is not within the seller's range, the item is not purchased.

Rosenberg's rates are fixed, and are based upon a "take it or leave it" concept and Woolston system allows for counteroffers.

Neither Rosenberg nor Woolston, taken separately or together, discloses or anticipates the invention claimed by Appellant. They do not automatically check the offered price by the buyer to determine whether the posted offer falls within the range specified by the seller.

G. **Claim 23 has been r jected by th Examiner under U.S.C. §103(a) ov r R s nberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).**

In dependent claim 23, a digital signature is provided when the data item is downloaded from the data repository so as tò allow the buyer to verify the authenticity of the downloaded data item.

In addition to the arguments made in above Section A, the cited references do not disclose or anticipate providing a digital signature when the data item is downloaded from the data repository so as to allow the buyer to verify the authenticity of the downloaded data item.

H. **Claim 24 has been rejected by the Examiner under U.S.C. §103(a) over Rosenberg, et al. (U.S. 6,363,357 B1) in view of Woolston (U.S. Patent No. 5,845,265).**

In dependent claim 24, the authenticity of the downloaded data item is verified through a Certification Authority.

In addition to the arguments made in above Section A, the cited references do not disclose or anticipate providing for the authenticity of the downloaded data item by verifying the data item through a Certification Authority.
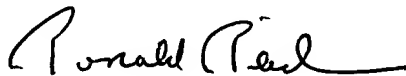
I. **In the April 23, 2002, Patent Office action the Examiner indicated that the drawings are objected to under 37 CFR § 1.83(a) because they fail to sh w Figs. 4 –7 as described in the specification.**

On July 9, 2002, Appellant submitted Figs. 4 -7 to overcome the Examiners objection. Appellant is of the opinion that the submitted drawings comply with 37 CFR § 1.83(a). The Examiner has not indicated whether or not the drawings submitted by Appellant on July 9, 2002, are acceptable.

IX   PRAYER FOR RELIEF

Appellant respectfully submits that appealed claims 1, 3 – 7, 9 –17 and 19 - 24 in this application are patentable. It is requested that the Board of Appeal overrule the Examiner and direct allowance of the rejected claims.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On June 2, 2003   Esther A. Lapin
Date of Deposit   Name of Rep.

Arthur A. Lapin   June 2, 2003
Signature   Date

APPENDIX OF CLAIMS

1. A data repository system to allow a seller to store a data item that the seller wishes to sell electronically to a buyer for a fee, said repository system comprising:

a)   a data storage;

b)   an information storage; and

c)   a monetary storage having a seller's account and a buyer's account, wherein

(i)   the data storage is used to store the data item; and

(ii)   the information storage is for posting the fee for downloading the data item from the data storage, and the buyer deposits the fund in the monetary storage prior to downloading the data item; wherein said data repository system further comprises a program means capable of communicating with the data storage, the information storage and the monetary storage so as to store a fund deposited by the buyer to pay for downloading the data item into the buyer's account;

(iii)   to allow the buyer to download a portion of the data item so that the buyer may review the data item without the possibility of downloading the data item in its entirety without paying the seller;

(iv)   to deduct a monetary sum from the deposited fund according the posted fee in the information storage;

(v)   to allow the buyer to download the data item from the data storage; and

(vi)   to credit the monetary sum to the seller's account, wherein the fee for downloading the data item has a range specified by the Seller and defined by a maximum amount, and a minimum amount wherein the maximum amount is the fee posted by the Seller, and a minimum amount is what the Seller is willing to collect from the buyer for downloading the data item so that the buyer is allowed to download the data item if the buyer's proposed monetary sum for downloading the data item is greater or equal to the minimum amount specified by the seller.

3.   The data repository system of claim 1, wherein the fee deducted from the fund deposited by the buyer is credited to the seller.

4.   The data repository system of claim 3, wherein the seller pays a user fee for using the data repository and the user fee is deducted from the fee credited to the seller.

5.   The data repository system of claim 3, wherein the seller pays a commission for selling the item to the buyer and the commission is deducted from the fee credited to the seller.

6.   The data repository system of claim 3, wherein the monetary storage includes an account for the seller to store the fee credited to the seller.

7.   The data repository system of claim 6, wherein the seller uses an identification code to access the seller's account.

9.   The data repository system of claim 8, further comprising a software program to automatically check the offered price by the buyer in order to determine whether the posted offer falls within the fee range as specified by the seller.

10. The data repository system of claim 1, wherein the seller uses an identification code to modify the data item and/or the fee.

11. The data repository system of claim 1, wherein the data storage further stores an excerpt of the data item so as to allow the buyer to review the data item without the possibility of downloading the data item without paying the seller.

12. The data repository system of claim 1, further comprising an administrative unit for notifying a user of the data repository system of problems related to the use of the data repository system.

13. The data repository system of claim 1, wherein the data storage includes a plurality of data banks each of which is used to store a data item and an excerpt of said data item.

14. The data repository system of claim 2, wherein the fund is deposited in a bank and the deposited fund can be withdrawn by the data repository system to pay for downloading the data item.

15. The data repository system of claim 2, wherein the fund is stored in a stored-value card and the stored fund can be withdrawn by the data repository system to pay for downloading the data item.

16. The data repository system of claim 1, wherein the data item is encrypted prior to the buyer downloading the data item.

17. A method of providing a service by a service provider to allow a seller to electronically sell a data item for a fee to a buyer who downloads the data item through a telecommunication network, said method comprising the steps of:

a) storing the data item in a data repository;

b) depositing a fund in the data repository;

c) downloading a portion of the data item so that the buyer may review a portion of the data item without the possibility of downloading the entire data item without paying the seller;

d) downloading the data item from the repository; and

e) deducting a monetary sum from the fund and crediting the deducted sum to the seller, wherein the fee for downloading the data item in its entirety has a range specified by the Seller and defined by a maximum amount, and a minimum

amount wherein the maximum amount is the fee posted by the Seller, and a minimum amount is what the Seller is willing to collect from the buyer for downloading the data item so that the buyer is allowed to download the data item if the buyer's proposed monetary sum for downloading the data item is greater or equal to the minimum amount specified by the seller.

19.   The method of claim 18, wherein the monetary sum is equal to a price offered by the buyer to pay for downloading the data item, said method further comprising the steps of:

(a)   comparing the offered price in order to determine whether the offered price falls within the fee range as specified by the seller.

20.   The method of claim 19, wherein an excerpt of the data item is used for the buyer to review the data item before downloading the data item, said method further comprising the step of downloading an electronic file containing the excerpt to the buyer.

21.   The method of claim 17, wherein the fund is deposited in a bank and wherein the deposited fund can be withdrawn into the data repository in order to pay the seller.

22.   The method of claim 17, wherein the fund is stored in a stored-value card and wherein the stored fund can be withdrawn into the data repository in order to pay the seller.

23.   The method of claim 17 further comprising the step of providing a digital signature when the data item is downloaded from the data repository so as to allow the buyer to verify the authenticity of the downloaded data item.

24.   The method of claim 23, wherein the authenticity of the downloaded data item is verified through a Certification Authority.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	) Date: June 2, 2003
Perry A. Pierce	) Attorney Docket No.: E-925
Serial No.: 09/475,912	) Customer No.: 00919
Filed: December 30, 1999	) Group Art Unit: 3625
Confirmation No.: 7042	) Examiner: James H. Zurita
Title: **METHOD AND SYSTEM FOR DATA REPOSITORY**	

TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION 37 CFR 1.192)

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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith in **triplicate** is the **APPEAL BRIEF** in the above-identified

patent application with respect to the Notice of Appeal filed on April 11, 2003.

Pursuant to 37 CFR 1.17(c), the fee for filing the Appeal Brief is $320.00. Please

charge Deposit Account No. **16-1885** in the amount of $320.00 to cover the above fees.

The Commissioner is hereby authorized to charge any additional fees which may

be required to Deposit Account No. **16-1885**.

(10016129.1)

A duplicate copy of this transmittal is enclosed for use in charging the Deposit Account.

Respectfully submitted,

Ronald Reichman
Reg. No. 26,796
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Telephone (203) 924-3854

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
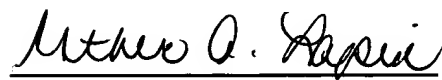35 Waterview Drive
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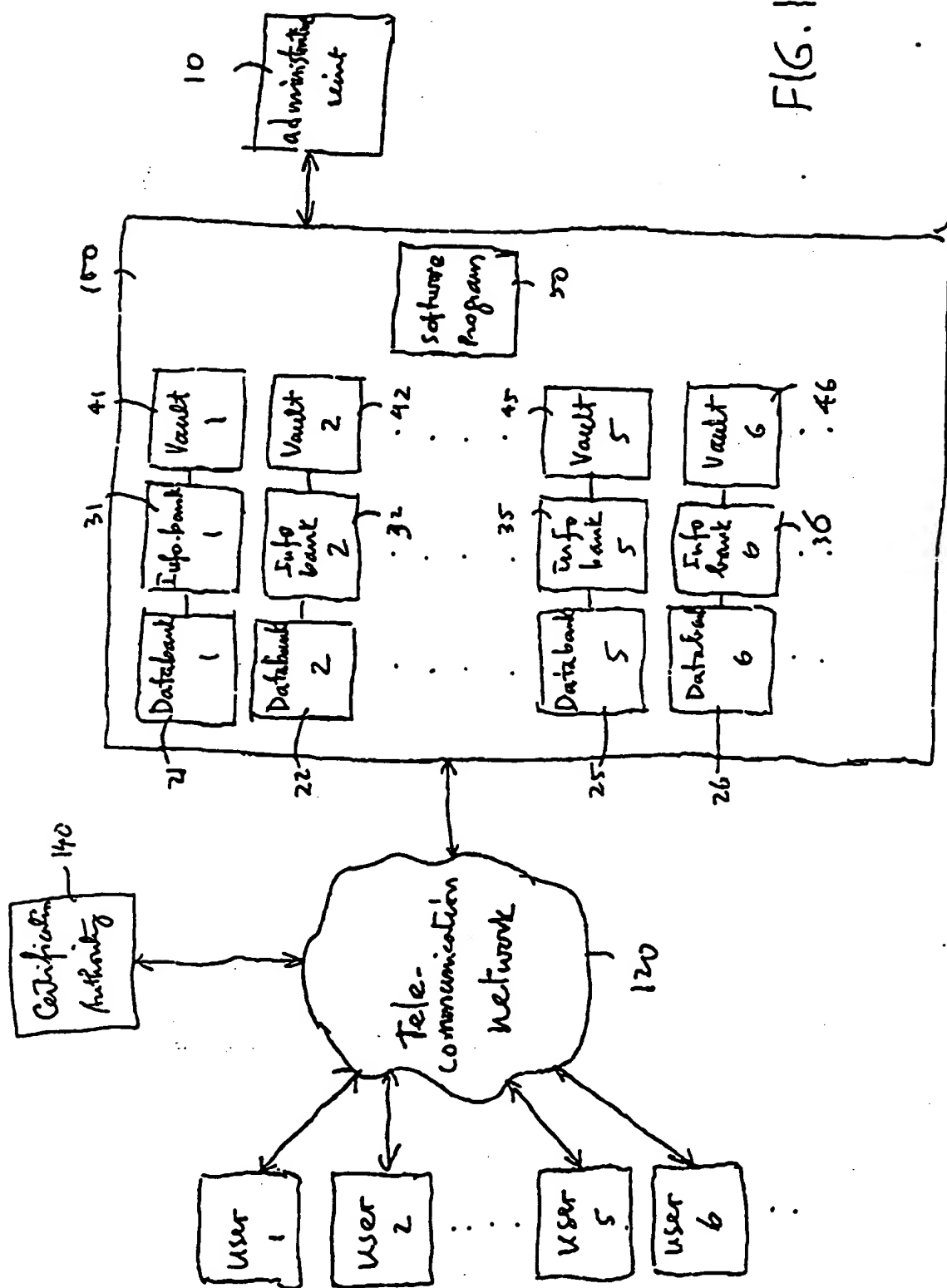Name of Rep.

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FIG. 1